

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NOVEMBER TEAM, INC.; ANAT GERSTEIN, INC., BERLINROSEN PUBLIC AFFAIRS, LTD.; RISA HELLER COMMUNICATIONS LLC; and MERCURY LLC,

Plaintiffs,

-against-

NEW YORK STATE JOINT COMMISSION ON
PUBLIC ETHICS,

Defendant.

No. 16 Civ. 1739

**DECLARATION OF ANDREW G. CELLI, JR. IN FURTHER SUPPORT OF
PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND A
PRELIMINARY INJUNCTION**

ANDREW G. CELLI, JR. declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Emery Celli Brinckerhoff & Abady LLP, attorneys for plaintiffs. I submit this declaration in further support of plaintiffs' motion for a temporary restraining order and preliminary injunction and in opposition to defendant's motion to dismiss.

2. Exhibits 1 through 12 are attached to my declaration dated March 8, 2016, filed in support of plaintiffs' preliminary injunction motion, Dkt. No. 13.

3. Exhibits 13 through 17, attached hereto, are opinions of the New York Temporary State Commission on Regulation of Lobbying ("Temporary Commission"). As explained by Defendant, the Joint Commission on Public Ethics, which was created in 2011, was a reconstitution of previous commissions, including the Temporary Commission, responsible for

interpreting and enforcing the Lobbying Act. *See* Defs.’ Br. in Supp. of Mot. to Dismiss at 3 & n.4, May 13, 2016, Dkt. No. 35. The present Commission’s creation “did not ‘revoke or rescind any regulations or advisory opinions issued by . . . the temporary lobbying commission.’” *Id.* (quoting N.Y. Exec. Law § 94(1)) (alterations omitted). Plaintiffs therefore do not distinguish between the present Commission and its predecessors.

4. Exhibit 13 is a copy of the Temporary Commission’s Opinion No. 21 (79-1), also available at <http://www.jcope.ny.gov/advice/lob/opinio21.htm>.

5. Exhibit 14 is a copy of the Temporary Commission’s Opinion No. 39 (97-1), also available at <http://www.jcope.ny.gov/advice/lob/opinio39.htm>.

6. Exhibit 15 is a copy of the Temporary Commission’s Opinion No. 36 (82-2), also available at <http://www.jcope.ny.gov/advice/lob/opinio36.htm>.

7. Exhibit 16 is a copy of the Temporary Commission’s Opinion No. 44 (00-3), also available at <http://www.jcope.ny.gov/advice/lob/opinio44.htm>.

8. Exhibit 17 is a copy of the Temporary Commission’s Opinion No. 49 (02-4), also available at <http://www.jcope.ny.gov/advice/lob/opinio49.htm>.

Dated: New York, New York
June 15, 2016

/s
ANDREW G. CELLI, JR.